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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,594	12/30/2003	Robert McCabe	FCHM 0154 PUSA	8676
28395	7590	06/27/2006		EXAMINER
BROOKS KUSHMAN P.C./FGTL				HAILEY, PATRICIA L
1000 TOWN CENTER				
22ND FLOOR			ART UNIT	PAPER NUMBER
SOUTHFIELD, MI 48075-1238			1755	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/748,594	MCCABE ET AL.	
	Examiner Patricia L. Hailey	Art Unit 1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4-12 and 14-22 is/are rejected.
- 7) Claim(s) 2,3 and 13 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/30/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. ***Claims 1 and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent No. 815,925 (hereinafter "EP '925").***

The European Patent discloses an sulfate-storing and reducing catalyst comprising a porous catalyst support (e.g., alumina, titania, a mixture of alumina and silica, a mixture of alumina and zirconia, etc., considered to read upon "A oxide"), and, as the sulfate-storing and reducing ingredient, copper. See page 4, lines 20-51 of EP '925, which also discloses the preference that sulfates produced from an exhaust gas be decomposed at temperatures of 500°C or less, preferably in a temperature range of from 300 to 500°C (lines 27-35; considered to read upon claims 8 and 9)

In view of these teachings, EP '925 anticipates claims 1 and 4-9.

3. ***Claims 10-12 and 14-22 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent No. 888,816 (hereinafter "EP '816").***

EP '816 teaches exhaust emission control catalysts (with which it is possible to efficiently remove NOx in exhaust from a diesel engine, and suppress the oxidation of

SO₂ in the exhaust, thereby decreasing the amount of particulate matter in the exhaust; see page 3, lines 33-35; considered to read upon claims 21 and 22) capable of efficiently removing nitrogen oxide, said catalysts comprising copper and praseodymium (in oxide form, see page 3, lines 37-51) as catalytic components, and, as support, at least one of zirconia and zeolite (considered to read upon "A oxide" in claims 16-19). See page 3, lines 16-20 and page 4, lines 5-40 of EP '816. This disclosure is considered to read upon claims 10-12, and catalysts (a) and (b) in claims 16-20.

The Examples of EP '816 depict embodiments in which exhaust gases were treated with the catalysts at temperatures of 350°C, 450°C, and 550°C. This disclosure is considered to read upon claims 14-16.

In view of these teachings, EP '816 anticipates claims 10-12, and 14-22.

Allowable Subject Matter

4. Claim, 2, 3, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach or suggest the claimed copper loading mol percentage ranges, as recited in claims 2 and 3. EP '925 at page 4, lines 44-51 disclose that the sulfate-storing and reducing catalyst component (copper) is desirably present in

loading amounts ranging from 0.05 to 2 moles with respect to one liter of the resulting sulfate-and storing reducing catalyst.

The prior art cited does not teach or suggest "mixed manganese-yttria" as an exemplary catalyst composition, although EP '816 at page 4, line 50 to page 5, line 4 discuss exemplary sources of yttrium as a catalyst component.

Conclusion

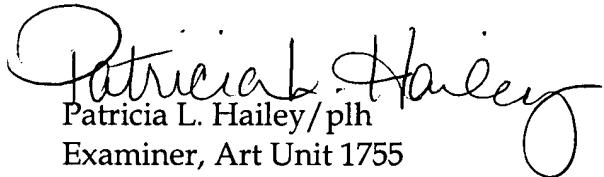
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

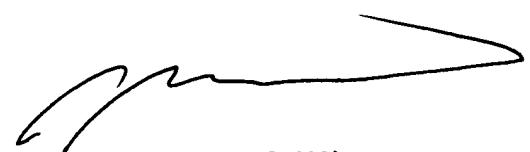
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Patricia L. Hailey/plh
Examiner, Art Unit 1755
June 22, 2006


DAVID BRUNSMAN
PRIMARY EXAMINER
GROUP 1100